

REMARKS/ARGUMENTS

Claims 1-35 are active in this application.

The first Action mailed April 25, 2006 indicates that the previous grounds of rejections from the July 13, 2005 Office Action have been withdrawn and presents a new 103 rejection in view of US patent no. 6,916,464 (Hansenne et al). The second Office Action mailed May 8, 2006 replaced the April 25, 2006 Office Action but appeared to repeat the rejections from the Office Action of July 13, 2005.

Applicants appreciate the Examiner's time to discuss this matter with their undersigned representative on July 7, 2006. During this discussion it became apparent that the May 8, 2006 Office Action should have raised the new 103 based rejection in view of U.S. patent no. 6,916,464 and not repeat the rejections from the Office Action of July 2005 and therefore the claims are rejected as allegedly being obvious in view of the Hansenne patent.

It is noted that the Hansenne patent is only prior art under 35 USC 102(e) applied in a 103 rejection because the Hansenne patent was filed on Dec. 20, 2002 and the present application was filed on July 11, 2003. In addition, the earliest apparent publication date of Hansenne et al is Jul 1, 2004.

Applicants confirm that both the present application and the Hansenne patent are assigned to L'Oreal and the inventors of the respective applications were also subject to an obligation to assign to L'Oreal at the time of invention. Accordingly, the Hansenne patent is not believed to be available as prior art against this application under 35 USC 103 and as such withdrawal of this rejection is requested.

A Notice of Allowance for Claims 1-35 is earnestly solicited.

Application No. 10/617,048

Reply to Office Action of May 8, 2006

Should the Examiner deem that any further action is necessary to place this application in even form for allowance, she is encouraged to contact Applicants' undersigned representative.

Respectfully submitted,

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